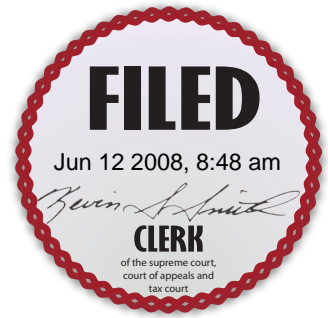


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

ANTHONY A. BAILEY,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 20A03-0712-CR-612

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable George Biddlecome, Judge
Cause No. 20D03-0706-FB-35

June 12, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Anthony A. Bailey appeals the sixteen-year sentence imposed by

the trial court after Bailey pleaded guilty to Conspiracy to Deliver Cocaine,¹ a class B felony, arguing, pursuant to Indiana Appellate Rule 7(B), that the sentence is inappropriate in light of the nature of the offense and his character.² In reviewing a Rule 7(B) appropriateness challenge, we defer to the trial court. Stewart v. State, 866 N.E.2d 858, 866 (Ind. Ct. App. 2007). The burden is on the defendant to persuade us that his sentence is inappropriate. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

As for the nature of the offense, Bailey was contacted by someone working with the Elkhart County drug interdiction team who was interested in purchasing crack cocaine. The cooperating source came to Bailey's home and gave money to Bailey and a friend, who then attempted to purchase cocaine for the cooperating source. As for Bailey's character, he has three prior felony convictions, was on probation at the time he committed the instant offense, has failed to appear for court proceedings on at least eight separate occasions, and has violated probation at least four different times. Under these circumstances, we find that the sixteen-year sentence imposed by the trial court is not inappropriate in light of the nature of the offense and Bailey's character.

The judgment of the trial court is affirmed.

KIRSCH, J., and BAILEY, J., concur.

¹ Ind. Code § 35-48-4-1(a)(1)(C); Ind. Code § 35-41-5-2(a).

² A person who commits a class B felony shall be imprisoned for a fixed term of between six and twenty years, with an advisory sentence of ten years. Ind. Code § 35-50-2-5.